

Current situation and trends of female genital mutilation in France



LEGAL FRAMEWORK

International and European conventions

France has ratified various international conventions concerning FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Charter of Fundamental Rights of the European Union (CFR). France has signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 119).

Criminal law

In France, FGM can be treated as a crime, according to the general provisions of the Penal Code. In particular, Articles 221-1, 222-3 and 222-5, relating to acts of torture and barbarity, can be used. Also Articles 222-9 and 222-15, which refer to intended bodily harm causing permanent infirmity or mutilation, could be applied to FGM. Considering the offence against a minor is considered an aggravating circumstance that increases the penalty. The principle of territoriality is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

In France, general child protection law could be applied in cases of FGM. Social protection measures for minors under the age of 18 years old are listed in Article No. 375 of the Civil Code in cases in which a child suffers psychological or physical abuse at home, a judge can order the child to be placed in public institutions, family shelter, or under the responsibility of authorized associations. The Domestic Violence Act (No. 2006-396) refers to the prevention and repression of violence perpetrated against children. As such, perpetrators of violence against children can be expelled from their residence and prevented from any contact with the victims. The Act Reforming Children's Protection Procedures (No. 2007-293) reduced the notion of children suffering psychological or physical abuse at home, to become more inclusive of endangered children. Additionally, this act built protective measures upon a collaborative project also including parents, for whom it imposes educational measures. Both acts extend protective measures to illegal underage migrants.

Asylum law

Based on general law, FGM can be grounds for seeking asylum. Act No. 1912-693 was adopted to implement the Geneva Convention. In 2003, Act No. 2003-15-76 introduced the status of subsidiary protection for those at risk of execution, inhuman or degrading treatments. After 2006, a directive

About the study

In order to contribute to identifying and filling the gaps in prevalence data collection and support the development of strategies for combating female genital mutilation (FGM), the European Institute for Gender Equality has commissioned the 'Study to map the current situation and trends of female genital mutilation in 27 EU Member States and Croatia'. The study was launched at the request of Viviane Reding, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and fellow Winflow Management Consultants (a division of I.A.D.C.).

The desk research in the 27 EU Member States and Croatia and the in-depth research in one EU Member State brings about the first collection of information and data, legal and policy framework, actors, tools and methods in the area of FGM in the EU. The different national approaches to tackle FGM in the EU were analysed and compared in order to identify practices with potential in prevention, protection, provision of services, partnership and prevalence.

The data provided in the publication were collected through desk research conducted between December 2011 and April 2012. More information and references about the study are available at eige.europa.eu

Downloads



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Situation actuelle de la mutilation génitale féminine en France

FR (PDF, 596.85 KB)

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